

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WANDA RIVERA RIOS,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
KILOLO KIJAKAZI, ¹	:	NO. 20-4836
Acting Commissioner of Social Security,	:	
Defendant.	:	

ORDER

AND NOW, this 3rd day of August , 2021, upon consideration of Defendant's Uncontested Motion to Remand (Doc. 15), to which counsel for Plaintiff has consented, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Defendant's motion to remand (Doc. 15) is GRANTED;
3. Plaintiff's request for review (Doc. 14) is GRANTED to the extent that the matter is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings;² and

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for Andrew Saul as Defendant. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

² In her motion, Defendant asserted that:

On remand, the Commissioner, through the Appeals Council, will refer Plaintiff's case to an administrative law judge (ALJ) for further proceedings, including the opportunity for a hearing and a new decision that reconsiders Plaintiff's claim.

(continued...)

4. The decision of the Commissioner is REVERSED for the purposes of this remand only.

The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Gerald Austin McHugh

GERALD A. McHUGH, J.